

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LARRIE D. JEFFERSON,)	
)	
Plaintiff)	Case No. 1:18-cv-00196 (Erie)
)	
vs.)	
)	RICHARD A. LANZILLO
STEVEN GLUNT, ET AL.,)	UNITED STATES MAGISTRATE JUDGE
)	
Defendants)	
)	ORDER ON MOTION
)	(ECF No. 13)

Presently before the Court is a motion filed by Plaintiff Larrie D. Jefferson entitled “Motion To Compel Defendants Counsel to Stop Sending Plaintiff’s Privileged Mail to a Third Party.” Specifically, Jefferson seeks an order prohibiting Deputy Attorney General Yana Warshafsky from sending his mail to a third party, Smart Communications, Inc., employed by the Pennsylvania Department of Corrections to screen incoming prisoner mail. ECF No. 13 at 1. Jefferson’s motion is hereby **DENIED**.

To the extent Jefferson believes the Deputy Attorney General has authority to order his mail sent directly to him instead of to the Smart Communications facility in St. Petersburg, Florida, he is mistaken. The Department of Corrections sets policy regarding prisoner mail, not the Attorney General’s Office. Further, any mail from the Deputy Attorney General to Jefferson is not privileged as Jefferson is not represented by her Office. Per Department of Corrections policy, it is not “legal mail” either.

Mail from opposing counsel is classified as “non-legal” mail. All non-legal mail is prohibited from entering any DOC facility directly. *See* DC-ADM 803 (Effective Date: October 3, 2018). All incoming, non-legal mail must be sent to the Smart Communications central mail processing center in St. Petersburg, Florida per Department regulations. Until such time as the

Department permits opposing counsel to send case-related mail directly to a prisoner plaintiff at his or her address of record at a Department facility, mail must be sent to the Smart Communications facility in Florida.

Given this, the Plaintiff's motion to compel [ECF No. 13] is hereby DENIED. Ordered this 18th day of February, 2019.

/s/ Richard A. Lanzillo

Richard A. Lanzillo
United States Magistrate Judge